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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,133	08/26/2003	HiroYuki Yoshida	13425.40US01	3251
23552	7590	05/18/2005		
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER FISCHMANN, BRYAN R	
			ART UNIT 3618	PAPER NUMBER

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,133	YOSHIDA ET AL.	
	Examiner	Art Unit	
	Bryan Fischmann	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08-26-03</u> . | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The abstract of the disclosure is objected to because of the following:

A) The term "height of elasticity" recited on line 12 of the abstract is objected to for reasons set forth in the 112 2nd portion of this Office Action.

2. The specification is objected to because of the following:

A) The following recited phrases are unclear, awkwardly worded, and/or grammatically incorrect:

Note: The specification is considered replete with instances of awkward and sometimes unclear wording. Therefore, the Examiner cannot guarantee the following is a comprehensive listing of all awkward and unclear wording. Applicant is advised to review the specification for awkward and unclear wording.

1) The term "mount elasticity center" recited on lines 12 and 13 of page 1 and "elasticity center in total mounts" recited on line 12 of page 1 is objected to for reasons set forth in the 112 2nd portion of this Office Action.

See also lines 15 and 20 of page 2, lines 7 and 9 of page 4, line 15 of page 9, lines 4, 5, 14 and 21 of page 10 and lines 10 and 16 of page 11.

2) Line 19 of page 1 recites "the inertia main shaft type". The meaning of this recited phrase is considered unclear.

3) The meaning of the term "floating mounts" recited on lines 3 and 4 of page 5 is considered unclear.

See also line 10 of page 5 and line 2 of page 8.

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4) The meaning of "driving source", recited on line 12 of page 5, when read in context, is considered unclear.

5) Lines 19 and 20 of page 5 recites "one of the embodiments of the invention".

The meaning of this phrase is considered unclear, as best understood, there is only "one embodiment" of the invention, as opposed to there being "alternate embodiments". See for example line 3 of page 7, which recites "the embodiment".

See also line 22 of page 5 through line 16 of page 6.

6) It is considered unclear why "section title" "Primary Weight Sharing Mount Members 11" recited on line 14 of page 7 is designated as section "b", when there does not appear to be a "section a".

See also line 23 of page 8,

7) Lines 19-21 of page 7 recites "Concretely, these mount members 11 are designed to consist of a rear mount 11a disposed at a front side of the engine 2 and a front mount 11b disposed at a back side of the engine 2 and a trans-lower mount...".

It is considered unclear why mount 11a, which is disposed at a front side of the engine is described as "rear mount", instead of "front mount", and why mount 11b, which is disposed at a rear side of the engine is described as "front mount", instead of "rear mount".

Note later on page 7, on line 23, mount 11a is described as "front mount" and mount 11b is described as "rear mount".

See also lines 9 and 17 of page 8.

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Compare also to claim 2.

8) The meaning of the term “stopper”, recited on line 21 of page 9, when read in context, is considered unclear.

9) Lines 21 and 22 of page 9 are objected to as being awkwardly worded.

10) A “blank space” is missing between the word “mount” and the reference character “12b” on line 19 of page 10.

See also line 23 of page 10.

11) To improve wording, it is believed that the word “suspensions” recited on line 8 of page 11 should not be plural.

12) The recitation of “vibration feelings” on line 15 of page 11 is considered awkward.

13) Line 15 of page 11 recites “dir0ection” Note that the number “0” should not be part of the word “direction”.

14) The recitation of “sense of oneness” recited on line 22 of page 11, when read in context, is considered awkward.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign not mentioned in the description:

112. Correction is required.

4. The drawings are objected to due to the following:

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a) It is considered unclear why many reference characters in the drawing figures are enclosed within parenthesis.

b) In the upper portion of Figure 2B, it is considered why the "delimiter" between reference numbers 1 and 12 is a "period" instead of a "comma".

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the crank shaft recited in claim 2 must be shown or the feature canceled from the claim. No new matter should be entered.

Claim Objections

6. Claims 1-4 are objected to because of the following:

Note: The claims are considered to be replete with objectionable matter.

Therefore, a comprehensive listing of all objectionable matter cannot be guaranteed.

Applicant is advised to review all claims for unclear matter.

A) The recitation of "mount members with elasticity" on line 2 of claim 1 is considered awkward.

B) To improve wording, it is believed that the word "a" should be inserted before the word "gravity" on line 6 of claim 1.

C) The recitation of "spring effect" on line 9 of claim 1 is considered awkward".

See also line 2 of claim 3.

D) A space is missing between the word "claim" and the number "1" on line 1 of claim 2.

See also line 1 of claims 3 and 4.

E) The term “softer” recited in line 2 of claim 3, when read in context, is considered to be somewhat awkward and unclear.

F) The use of the term “floating mounts” on line 3 of claim 4 is objected to, as the specification does not appear to adequately explain what is meant by the word “floating”.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicants regard as their invention.

A) Line 13 of claim 1 recites “the height of elasticity center”. The meaning of this term is considered unclear.

Note that this term does not appear to be adequately defined in the specification. Note also, that unlike the term “center of gravity”, the term “elasticity center” is not believed to be readily known to one of ordinary skill in the art.

Note also this term lacks antecedent basis.

B) Claim 1 recites the limitation “the structure” on line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 4 and 4, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent JP 9-20150.

JP 9-20150 teaches a supporting structure of a vehicle power source comprising:

a plurality of mount members through which a power source is mounted on a vehicle body;

first mount members (Sr, Sf) for primarily sharing the weight of the power source and at least one of the first mount members (Sf), which is supported by said vehicle body at a first height lower than the height of a gravity center (CG) of said power source (Figure 3), is attached to a sub-frame (SF); and

second mount members (Me, Mt) for secondarily sharing the weight of the power source and the second mount members, which have a spring effect in at least one of longitudinal and lateral directions of said vehicle body, are attached to the vehicle body at a second height higher than the gravity center of said power source (Figure 3).

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Regarding the claim 1 recitation "wherein the height of elasticity center of the structure defined by the first and second mount members is set to be higher than the gravity center of said power source", see the 112 2nd paragraph rejection of claim 1.

Regarding claims 3 and 4, see the claim objection to claims 3 and 4.

Allowable Subject Matter

11. Claim 2 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujii, et al, Goor, Sugino, et al, Park, JP 3-182837, JP 6-87333, JP 9-226384, JP9-228846 and JP 2004-150546 – teach vehicle engine mounts

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (571) 272-6694. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

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If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis, can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5-14-5
BRYAN FISCHMANN
PRIMARY EXAMINER